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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
3 -----x

4 KELLY PRICE

5 Plaintiff

6 v. 15 Civ. 5871 (KPF)
7 CITY OF NEW YORK, et al Conference

8 Defendants
9 -----x

10 Before: New York, N.Y.
11 HON. KATHERINE POLK FAILLA November 14, 2018
12 District Judge
13 APPEARANCES
14 KELLY PRICE, Pro Se
15 NEW YORK CITY LAW DEPARTMENT
16 Attorney for Defendants
17 DEBRA M. MARCH
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1 (Case called)

2 DEPUTY CLERK: Will plaintiff and counsel state your
3 name for the record, beginning with plaintiff.

4 MS. PRICE: Kelly Price.

5 THE COURT: Yes. Ms. Price, you're half an hour late
6 for this conference. You know that, right?

7 MS. PRICE: Yes, your Honor.

8 THE COURT: And you know you can't be a half hour late
9 for this conference.

10 MS. PRICE: I apologize, your Honor.

11 THE COURT: All right. I'm happy that you are here.
12 I do want to talk to you, but I do need you to be on time. I
13 also want to make sure, if it is possible, if you could stand
14 when you're speaking so I can see you better because I just
15 have a computer monitor in my line of sight, but that will just
16 be for going forward. Thank you very much at the back table.

17 MS. MARCH: Good morning, your Honor.

18 Debra March from Corporation Counsel for the City
19 defendants.20 THE COURT: Thank you. Just excuse me one moment
21 while I get set up.

22 (Pause)

23 THE COURT: Ms. March, we're here at your request. Is
24 that not correct?

25 MS. MARCH: Yes, your Honor, that's correct.

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1 THE COURT: All right. Now, let me make sure I
2 understand. Here is what I understand to be going on. There
3 was motion practice. There was a decision. There was a case
4 management plan that the parties submitted. It is ongoing, and
5 we're here today because there have been some issues with or
6 alleged issues with the production of discovery.

7 Ms. March, am I correct -- and I'll turn to Ms. Price
8 because you are the reason we're having this conference.

9 MS. MARCH: Yes, your Honor.

10 THE COURT: Your letter to me was dated the 15th of
11 October. Since that letter was issued, has there been any
12 progress in the production of discovery or in any other facet
13 of this case?

14 MS. MARCH: No, your Honor, I have not received
15 anything since.

16 THE COURT: Ms. March, tell me please what you think
17 your clients are entitled to in discovery. I would like to
18 understand all of the open issues at this time. Thank you.

19 MS. MARCH: Yes, your Honor. While we served
20 interrogatories and document requests on Ms. Price back on
21 August 13 by mail, I believe we are entitled to responses to
22 those interrogatories and document requests in order to
23 determine what the responses are, if there are any
24 deficiencies, and do that prior to taking Ms. Price's
25 deposition.

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1 THE COURT: OK. I am aware as I'm speaking to the
2 parties that I have a conference currently scheduled for the
3 6th of December for post fact discovery. I'm sensing, without
4 making any final determinations in this second, that that
5 conference may have to move, but I just want you all to be
6 aware that I'm aware of it.

7 Ms. March, have you received from Ms. Price or anyone
8 acting on her behalf any requests for discovery of any type:
9 Interrogatories, requests for documents, things of that nature?

10 MS. MARCH: Yes, your Honor. I have received them
11 from Ms. Price, and we responded to them in early October.

12 THE COURT: Tell me, please when, you received the
13 plaintiff's discovery request.

14 MS. MARCH: Received plaintiff's discovery request on
15 August 30.

16 THE COURT: Am I understanding that they were all --
17 that there were requests for different types of things at the
18 same time? Let me ask the question better.

19 Was there a second set of discovery requests or just
20 the one set in late August?

21 MS. MARCH: No, your Honor, just the one set from
22 plaintiff in late August along with her initial disclosures.

23 THE COURT: When did your clients make their initial
24 disclosures?

25 MS. MARCH: We made our initial disclosures on

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1 August 13, the same date that we put our discovery requests in
2 the mail.

3 THE COURT: And you produced your responses to
4 plaintiff's discovery requests in October?

5 MS. MARCH: Yes, your Honor, on October 5.

6 THE COURT: Have you received any letters or other
7 communications from Ms. Price suggesting that there's any
8 deficiency in your productions?

9 MS. MARCH: No, your Honor.

10 THE COURT: Just while I have you standing, is there
11 anything else you would like me to know at this time before I
12 turn to Ms. Price?

13 MS. MARCH: No, your Honor.

14 THE COURT: Thank you.

15 Ms. Price, let us begin at the beginning.

16 You made initial disclosures in or about August of
17 2018. Is that correct?

18 MS. PRICE: I believe I made them August 30, your
19 Honor.

20 THE COURT: I know in the past you've had assistance
21 in the NYLAG legal clinic this building. Are you receiving
22 assistance from them or someone else at this time?

23 MS. PRICE: Your Honor, a modicum of assistance, yes,
24 your Honor.

25 THE COURT: I know the individual with whom you're

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1 working graduated, and, therefore, his internship position came
2 to an end. Are they helping you with the discovery process?

3 MS. PRICE: Yes, your Honor.

4 THE COURT: I'm understanding that you produced
5 discovery requests -- you made requests of the defendants in or
6 about August. Did you receive their responses in or about
7 October?

8 MS. PRICE: No, your Honor, I did not. I received
9 nothing from the City Law Department.

10 THE COURT: Nothing?

11 MS. PRICE: Nothing. In fact --

12 THE COURT: Stay there, please. Your production of
13 October 5, how long was it?

14 MS. MARCH: What do you mean, how many --

15 THE COURT: How many pages? Are we talking thousands?
16 Hundreds?

17 MS. MARCH: No. No. No, your Honor. The responses
18 were 27 pages plus there were some documents and a notice of
19 deposition and a cover page.

20 THE COURT: Ms. Price, you're saying you didn't
21 receive any of this on or about the 5th of October?

22 MS. PRICE: No, your Honor. In fact, I find it very
23 unusual that the City Law Department would say that it sent me
24 my -- a response to my interrogatories because they always
25 email me a copy, and I have received absolutely no email from

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1 them with any of this material. Nothing has come in the mail.
2 And the last communication that I had with Ms. March was on
3 October 9, as I was struggling to burn a disk on the evening
4 that the information was due to Ms. March. I had some problems
5 of varying degrees as I was scrambling at the last minute to
6 burn everything together and thought that I had a couple days
7 leeway to try and come up with everything.

8 Basically, I had a hard drive where I had all of my
9 files, the photographs, all the court documents burned on to as
10 a secondary backup, and that hard drive no longer worked as I
11 was trying to burn my disk for Ms. March. And before I could
12 even get ahold of someone that would help me recover all of
13 that information, I was slight -- literally three days later,
14 Ms. March filed her demands with the Court before I even had a
15 chance to negotiate with her to tell her what kind of problems
16 I was having and give her an estimation of how long it would
17 take me to recover those particular documents. And I find
18 that, in fact, the entire discovery calendar was entered into
19 on bad faith by the City Law Department.

20 THE COURT: Wait. Bad faith?

21 MS. PRICE: Your Honor, if you would just allow me to
22 proceed.

23 THE COURT: I will, but those are very serious
24 allegations to make.

25 MS. PRICE: I understand, your Honor.

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1 When I was negotiating with Ms. March in July to come
2 up with a discovery calendar, I made it very clear to her that
3 this work was extremely traumatic, extremely triggering, and
4 that I needed ample time to sift through it because going
5 through all the files and all the paperwork resurfaces all of
6 the trauma and all of the injustices that I have had to endure
7 over the better part of the last decade. I was very clear to
8 her that I needed sufficient time to work through those
9 chemical highs and lows that are triggered in my brain when the
10 trauma surfaces. I'm OK. OK. I have my hanky.

11 THE COURT: And you have your dog as well.

12 MS. PRICE: Frank, yes, he's new. Thank you.

13 So we agreed that the discovery requests would be due
14 August 30, and then the responses would be due some 30 days
15 after, but the City Law Department worded the request,
16 Ms. March composed it so that there was a compaction of the
17 calendar if the City Law Department delivered its request to me
18 irrelevant.

19 So, in effect, they -- I believe that they
20 intentionally with knowledge that I needed ample time to work
21 through all of these triggers and traumas that resurfaced when
22 dealing with these documents, they literally shoved the request
23 at me in their initial disclosures on August 13, weeks early of
24 the due date. And I didn't realize when I signed that
25 discovery calendar that they would have the flexibility to be

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1 able to shove the request at me, the response to me early and
2 then I would be obligated to respond to them early because the
3 schedule was by August 30 the requests are due, and then in
4 another 30 days the responses are due.

5 But the way that the discovery calendar was worded,
6 there was nothing prohibiting them from serving their documents
7 to me early and forcing an expedited calendar. And I found
8 that extremely -- especially since I felt like I had built a
9 beautiful rapport with Ms. March and I really had hopes for
10 this new generation in the City Law Department. I found that
11 extremely re-traumatizing to feel that I hadn't caught that,
12 and, of course, your Honor, you are aware I have been working
13 very hard on this lawsuit and sounding the alarms for all kinds
14 of problems that have surfaced for women seeking justice and
15 safety in the City years before other people sounded these
16 alarms.

17 I have been working meticulously, and I feel almost at
18 every occasion I have risen to the challenge that the Court has
19 given me to learn the case law for First Amendment, to learn
20 the rules of federal process, but I cannot deal with an
21 opposition that intentionally tries to sabotage me knowing that
22 I have specific disabilities.

23 I have been diagnosed with PTSD, as you know, and that
24 diagnosis comes from the World Trade Center Health Program, not
25 some fly-by-night quack. As I work through these issues, I

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1 feel the City Law Department is working against me. I didn't
2 even bat an eye when Ms. March mentioned she needed more time
3 to respond to my request as well and we agreed for October 9.

4 But then when I was having problems, and, again,
5 dealing with those photos on that evening combined with not
6 being able to access all my documents because I've written
7 dozens of briefs to different government and city officials
8 that were requested. And all of that stuff was on the hard
9 drive. So those two things compounded really sent me into a
10 tizzy.

11 I finally found someone to help me access my hard
12 drive, and then it was Monday. It was literally three business
13 days after my request was due, and the City Law Department
14 slapped that motion on the Court making it sound like I wasn't
15 complying and they were trying to work with me. And, again, I
16 feel like that particular presentation to the Court was trying
17 to malign my ability to adhere to the calendar which was set up
18 to make me fail to begin with.

19 So these are the issues that I have been dealing with.
20 I have also enormous issues trying to understand what I'm
21 obligated to provide to the City Law Department and what I'm
22 not. I have had conversations with the new persons assigned to
23 my case in NYLAG, and I like him very much, but I will say that
24 having to build a new relationship with someone in the NYLAG
25 office every six or eight months and having to bring them up to

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1 date on all the very intricate and nuanced and Byzantine
2 aspects of this case is in itself triggering.

3 So working with a new person at NYLAG has been
4 slow-going because they don't understand the history of the
5 case. They haven't had time to sit down and read the hundreds
6 of documents entered into the court file or the thousands of
7 pieces of evidence or the numerous attempts I have made to
8 assert the wrongs unhandled to me by different New York City
9 city officials.

10 So I have -- today I have my responses for the City
11 Law Department. There are a few of them that I am still
12 uncertain if I'm obligated to provide. For instance, the City
13 law department is asking for all of my communications with my
14 lawyer and all of my text messages on my phone.

15 THE COURT: With the lawyer?

16 MS. PRICE: I don't understand why they would ask for
17 that, but it's asked for, and I don't really know how to say
18 no.

19 THE COURT: Well, certainly you wouldn't have to
20 produce privileged materials. Could you read to me the request
21 that calls for communications with your attorney?

22 MS. PRICE: So they're asking for all statements,
23 signed or unsigned, all injuries claimed by plaintiff, let's
24 see, treatment. I beg your pardon, I should have flagged it.

25 (Pause)

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1 MS. PRICE: I beg your pardon, your Honor. Thank you
2 for that allowance.

3 THE COURT: Of course.

4 MS. PRICE: It's their item number 18 in their -- I
5 believe it's their interrogatories:

6 "Identify all experts that plaintiff expects to call
7 at the time of trial or correspondence between counsel for
8 plaintiff and any such experts, any notes taken by any such
9 experts, and provide all disclosures required provided to
10 Federal Rule 26(a)(2).

11 THE COURT: Let's calm down for a moment, please.

12 They're asking for your attorney's communications with
13 a third party; not for your discussions with your attorneys.
14 Your discussions with your -- if you think about the
15 attorney-client privilege as belonging to the attorney and
16 client, if you talk to third parties, those communications are
17 not privileged.

18 MS. PRICE: Since I don't have a lawyer, it doesn't
19 apply to me. So any emails that I've sent to people asking
20 them to provide testimony, I'm confused if I have to provide
21 that. I don't feel like I should have to --

22 THE COURT: Well, that -- what you just read to me, I
23 thought I heard expert witnesses. So if you have, for example,
24 a psychiatrist who would be testifying on your behalf or
25 someone else as an expert witness that you've designated as an

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1 expert witness, then I do think those communications might have
2 to be produced.

3 I don't believe she is asking you to produce any
4 communications you've had with folks at NYLAG who have been
5 helping you, because those communication to my mind are
6 privileged.

7 MS. PRICE: And what about -- I understand that it had
8 to do with expert testimony, but since I'm acting as my own
9 lawyer --

10 THE COURT: Yes.

11 MS. PRICE: -- of course I've been emailing people
12 asking them to be expert witnesses for me. People from, you
13 know, the national agency to end domestic violence, experts in
14 the field. So do I have to provide all that since I'm acting
15 as my own lawyer? I'm really confused by this, and I don't see
16 why I should have to.

17 THE COURT: I need to see the discovery request. And
18 I can't provide you legal advice.

19 It sounds like the communications you had with people
20 about potentially serving as an expert witness might be
21 discoverable. You may object to them on relevance grounds or
22 something else, and then we'd have the discussion here about
23 whether they would have to be produced. But at the moment I
24 don't think that those communications call for you to turn over
25 privileged communications. I want to back up further though.

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1 I want to move back with you a couple of steps, all right?

2 MS. PRICE: Yes.

3 THE COURT: Earlier in your conversation, I thought
4 you said you had, at least at one point, a good relationship
5 with the corporation counsel. Am I correct?

6 MS. PRICE: I felt that way. I actually was feeling
7 warm and fuzzy about Ms. March.

8 THE COURT: Then I believe you should continue to feel
9 warm and fuzzy, and let me explain to you why. Because what
10 shy was doing in these most recent communications have
11 nothing -- to my way of looking at it, has nothing to do with
12 trying to set you up to fail and has nothing to do with trying
13 to get you in trouble.

14 She is concerned, as her office is always concerned,
15 about running afoul of my deadlines. So she is walking a bit
16 of a tight rope here, if she doesn't mind my speaking for her.
17 She wants to have a good relationship with you. She wants to
18 extend you the courtesies that you need to get these things
19 done, but she also knows that at some point she is going to
20 have to come before me, and if she knows anything about me, she
21 knows that I don't like extending discovery deadlines.

22 So the reason for the letter on the compressed
23 timeframe that she sent it was, as she noted, she was saying
24 basically, "Look Failla, I know you're going to be really angry
25 if we come before you in November and nothing is done. I am

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1 early on letting you know about this issue so that you can
2 bring people in.

3 So it has nothing to do with any disrespect or lack of
4 regard for you. She is, as many folks are, concerned about the
5 deadlines that I am setting. And that's why we're here today.
6 So I don't -- she is not setting you up to fail. She was
7 trying to give you these materials early so that you could have
8 more time to look at them. I understand, yes, that accelerated
9 the clock, but I suspect that if you had called her and said,
10 "Hey, I still want until the 30th of" -- whatever the date it
11 was in October, she would have given you that time. Here we
12 are in mid November, and you still haven't produced them,
13 correct?

14 MS. PRICE: I have them today, your Honor.

15 THE COURT: You have them today, which is great. But
16 I am asking you -- I'm not ordering you -- I am asking you to
17 reconsider your feelings that they are trying to harm you
18 because I really do believe based on the communications that I
19 am seeing that they are just appropriately worried about how a
20 judge will react upon being told that there are problems with
21 discovery. That's what this is. It's me. It's not you. Do
22 you understand that?

23 MS. PRICE: Yes, your Honor. Thank you.

24 THE COURT: OK. So, again, I would never tell you how
25 to feel, but I have been doing this job longer than you have

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1 been doing your work on this case, and there are many people
2 who are reluctant to come before me and say, "We have a problem
3 with discovery." So that's all she was doing. She was trying
4 to -- what's the expression -- she was trying to nip it in the
5 bud, trying to get it resolved early.

6 We will talk today about setting this discovery
7 schedule in a way that everyone can succeed. You're saying
8 that you were able to fix your hard drive.

9 MS. PRICE: Yes, your Honor. In fact, I had a second
10 hard drive in storage that I couldn't access because I hadn't
11 paid my storage fee because it was in auction, but I did save
12 it. So now I again have two copies of everything.

13 THE COURT: Great.

14 MS. PRICE: In fact, I am probably providing more
15 information than I should in my discovery requests, but there
16 are elements that I still feel like I don't need to provide.
17 For instance, my entire medical file. I don't know why I need
18 to provide my entire medical file from Bellevue from the
19 beginning of time and it can't just be limited -- you know,
20 there are different little things like that that maybe I can
21 work out with Ms. March.

22 THE COURT: I'm asking you, and I'm asking Ms. March,
23 to try and work together, if you will, to begin this
24 relationship anew with an understanding that you are each
25 trying to do the right thing, which is to move this discovery

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1 forward, appropriately and fairly. And if there are problems,
2 that's why I'm here. We can work them out. You guys can send
3 me letters, and I can decide.

4 Let me hear about -- you've already talked about one
5 thing, which is your communications with expert witnesses. So
6 stay right where you are.

7 And, Ms. March, let me talk to you. What is it you
8 are looking for? You are looking for efforts to solicit expert
9 testimony?

10 MS. MARCH: Just to identify any experts that she
11 intends to call at trial.

12 THE COURT: Well, what about the ones that she spoke
13 to and it didn't work out, does she have to talk to you about
14 them? I'm thinking no. Do you really need that information?

15 MS. MARCH: I'm thinking no as well, your Honor, just
16 the one intended for trial.

17 THE COURT: Ms. Price, we've got one issue resolved.
18 If you've decided on an expert witness and you're going to call
19 this expert witness at any trial in this case or this person
20 will provide any expert testimony in connection with any
21 further practice in this case, that person you have to identify
22 and any communications with that person you'd have to produce.

23 But for the folks that you are either -- that for one
24 reason or another you are deciding not to go forward with, we
25 don't need to have those communications. OK. That's one

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1 thing.

2 Tell me your next thing. Medical records. What is
3 the request?

4 MS. PRICE: So they're asking for the entire file.
5 They are asking for my entire Medicaid file. They're asking
6 for my entire file -- let me read it to you specifically.

7 They want: All medical providers, including, but not
8 limited to, doctors, hospitals, psychiatrists, psychologists,
9 social workers and other counseling services who have rendered
10 treatment. That's one.

11 THE COURT: There is no date restriction on that?

12 MS. PRICE: No, sir. I beg your pardon, your Honor.
13 No, ma'am.

14 THE COURT: Ms. March, there is no date restriction on
15 that?

16 MS. MARCH: Yes, your Honor. I believe plaintiff is
17 referring to interrogatory number 7, which is to identify the
18 medical providers within the past ten years who have rendered
19 treatment to her.

20 THE COURT: Ten years of treatment?

21 MS. MARCH: Yes, your Honor.

22 THE COURT: Do you know who they are?

23 MS. PRICE: Ten years takes me back to 2008, when I
24 was still a happy photo editor running the world's best photo
25 journalists in and out of war zones. This whole miasma of my

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1 life started, the abuse started in 2009. The hard-core abuse
2 started in 2010: The pimping, the choking, all that stuff.
3 And then in 2010, 2011 I was seeking treatment, and I -- at the
4 end of 2011, I finally started receiving treatment at the St.
5 Nick's Roosevelt Crime Victims Treatment Center. So I would be
6 happy to provide records from the end of 2011 forward, but this
7 carte blanche look-back into my life into 2008 --

8 THE COURT: Well, I believe the issue is you are
9 making claims in the case that what happened to you in 2009 and
10 2010 caused you harm and distress and problems, and you believe
11 that in part -- I thought one of your claims was that the city
12 did not react appropriately.

13 MS. PRICE: Yes, your Honor.

14 THE COURT: So I believe that they are entitled to
15 those materials to probe the claim that you've made that these
16 incidents in 2008 and -- 2009 and 2010 caused you these
17 problems. But let me talk with Ms. March.

18 Ms. March, is there any shorter -- can I narrow
19 further the discovery period?

20 MS. MARCH: Well, your Honor, let me just clarify.
21 The interrogatory was asking her to just list for the past ten
22 years. The actual document request was for authorizations for
23 five years prior.

24 THE COURT: OK. So, Ms. Price, can you identify the
25 names of people in the past ten years?

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1 MS. PRICE: I can, your Honor, yes, and I have.

2 THE COURT: And give them authorizations for five
3 years?

4 MS. PRICE: I can. That is another part of it. The
5 authorizations that were provided to me are corrupt, so I will
6 need new authorizations.

7 THE COURT: Ms. March, you will give her new
8 authorizations, new HIPAA authorizations, please?

9 When you say "corrupt," is it that they could not be
10 opened on your computer?

11 MS. PRICE: No. They're just alphabet soup. They
12 look like this, in part. They're just scrambled.

13 THE COURT: Textually, they are a mess. Can you send
14 them as PDFs?

15 MS. MARCH: I did send them as PDFs. I'm happy to
16 resend them.

17 THE COURT: OK. That's medical reports. What else
18 have we got?

19 MS. PRICE: The other thing they asked for are all of
20 my cell phone providers.

21 THE COURT: Yes.

22 MS. PRICE: I'm wondering, do I need to allow them a
23 look into my entire life for the last ten years. You know,
24 there was a part of my life when I was being pimped, and there
25 are still some people whose names I would like to protect from

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1 that part of my life. I certainly would not want the City Law
2 Department to see all of my personal text message exchanges
3 with everyone in my personal life. I don't understand that,
4 why I have to identify my cell phone providers.

5 THE COURT: Ms. March, let me understand what the
6 issue is. How far back are you going with cell phone
7 providers?

8 MS. MARCH: I believe, if I'm correct, that Ms. Price
9 is referring to the interrogatories number 22, 23. Those just
10 refer to -- first is 22: Any internet-based social networking
11 sites that Ms. Price used to talk about this lawsuit or
12 anything in connection with that.

13 And then the other interrogatories in regards to any
14 text messages sent about this lawsuit to identify.

15 THE COURT: Are you asking her -- remember, I don't
16 have these discovery requests. Are you asking her to produce
17 to you any social media entries regarding this lawsuit that she
18 may have sent or received and any text messages regarding this
19 lawsuit that she may have sent or received?

20 MS. MARCH: Yes, your Honor. First, we're asking her
21 to identify them and also we have a document request that any
22 responses identified in response to our interrogatories, for
23 her to produce those documents.

24 THE COURT: Right, but we're all here together, and I
25 want to make sure she understands it. So I'm going to ask it

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1 again.

2 MS. MARCH: Sure.

3 THE COURT: Ultimately, what you're asking for is not
4 every text she ever sent.

5 MS. MARCH: That's correct.

6 THE COURT: But every text relating to the subject
7 matter of this lawsuit, either the abuse or her interactions
8 with the City. So if she texts her friend and says, "I can't
9 believe they blocked me from the Twitter account," you want
10 that?

11 MS. MARCH: Yes, your Honor.

12 THE COURT: But if she talks about the great dinner
13 she had last night at Lilia, you don't want that.

14 MS. MARCH: That's correct.

15 THE COURT: Ms. Price, do you understand that?

16 MS. PRICE: I do, your Honor, but I have no idea how I
17 would go about going through my texts since this began and
18 identifying those particular texts. I have had numerous burner
19 phones that weren't even listed in my account. I have had
20 numerous phones that weren't even android phones. They were
21 just the analogue Obama phones. I have had so many
22 conversations with so many people about what D-bag Cy Vance is
23 and how he ruined my life. I can't even begin -- I have no
24 problem with the social media posts. I've done that. And it
25 took me forever to do that. But the text messages, how do I

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1 possibly --

2 THE COURT: Well, it's the text messages that are in
3 your possession, custody or control. I am assuming -- and
4 please tell me this is correct -- that you did not upon filing
5 this lawsuit go destroying documents or destroying texts,
6 right? You wouldn't do that.

7 MS. PRICE: My life is an open book, your Honor.

8 THE COURT: OK. So if -- I believe the way to do it
9 is that one would typically take screen-shots of texts. Now,
10 you only have the phone that you have, and maybe you don't have
11 other phones previously.

12 MS. PRICE: I have a couple of other ones. I save
13 them. I do have about six cell phones.

14 THE COURT: Well, if there are texts on them related,
15 then you would have to produce them, and you can work with
16 Ms. March about how best to produce them. And maybe they have
17 technological capabilities to aid you in downloading them. I
18 don't know.

19 But for the phones you don't have any more, I can't
20 really worry about those. For the things you do have, if there
21 are texts on them that are related to this lawsuit, then yes,
22 you do need to produce them.

23 And why don't we -- perhaps we should talk about how
24 much time that's going to take, because I think we're going to
25 need to extend discovery just so you can look at your text

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1 messages, but at least you and I have an understanding of
2 what's being requested and what I'm asking you to produce.

3 Tell me, please, another category of materials about
4 which you have concerns.

5 MS. PRICE: So there are -- I find just about every
6 request to be ubiquitously broad that's not redundant.

7 THE COURT: Let's go with overbroad.

8 MS. PRICE: Overbroad.

9 THE COURT: What they're trying to do because I used
10 to do this for a living, is you want to be sure nothing falls
11 between the cracks. So to be repetitive and redundant is part
12 of being a lawyer. That's what happens. So never be a lawyer
13 and this won't happen to you.

14 But are there other things, other categories?

15 MS. PRICE: So, number one, identify all persons who
16 witnessed, were present at, or have knowledge of the incidents
17 for which plaintiff is suing, including the October 2010
18 incident, July 25. If you are unable to identify any of the
19 individuals within the meaning of Local Rule 26.3, describe the
20 individual's physical appearance.

21 So, your Honor I literally have spent the better part
22 of the last decade complaining to everybody that would listen
23 about what happened to me: Strangers on bar stools. I've
24 written emails to every public official in the State of New
25 York and some federal officials. I've met with every advocacy

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1 organization. I've worked as an intern for some of these
2 advocacy organizations. And while I sat in their offices was
3 working on this lawsuit at the Urban Justice Center at the
4 National Organization For Women. There are thousands of people
5 that have knowledge of what happened to me.

6 I did my very best to create a list of the people
7 whose ears I filled the most about the secondary victimization,
8 but I just don't know where I would begin.

9 THE COURT: Ms. March, is that sufficient? Can you
10 look at her response? I'm assuming initially you were really
11 looking for the folks with firsthand knowledge?

12 MS. MARCH: Yes, your Honor.

13 THE COURT: OK. But she's given you more than that.
14 She has given you the folks who he or she has filled the most.

15 It is my expectation that will be sufficient. You
16 will let me know if it is not?

17 MS. MARCH: I will, your Honor.

18 THE COURT: OK. Ms. Price, we're OK.

19 MS. PRICE: And then identify all statements, number
20 two, signed or unsigned, recorded electronically or otherwise
21 prepared by plaintiff or any other person that relate to the
22 claims or subject matter of this litigation.

23 THE COURT: I do need you to speak a little slower for
24 the court reporter.

25 MS. PRICE: I beg your pardon.

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1 THE COURT: Let's try that again.

2 MS. PRICE: Number two, identify any and all
3 statements, signed or unsigned, recorded electronically, or
4 otherwise prepared by plaintiff or any other person that relate
5 to the claims and/or subject matter of this litigation.

6 So, your Honor --

7 THE COURT: Same thing.

8 MS. PRICE: And, I mean, there were all kinds of
9 people helping me when my case was in state court. All those
10 lawyers, all the lawyers I approached to try and help me, the
11 advocates, all the briefs.

12 THE COURT: So have you done your best to give what
13 you have?

14 MS. PRICE: I absolutely have, but I speak at "The
15 Moth," I speak at rallies, all the city counsel testimony. I
16 tried to gather it all, but --

17 THE COURT: That's fine. Again, Ms. March will look
18 at it. It will almost certainly suffice for what she needs,
19 and she understands. We understand that this has been -- I'm
20 not using the term loosely -- a crusade for you, and you've
21 spoken to a lot of people, and it is impossible for you to get
22 every -- to retract or to obtain a copy of every statement
23 you've made. That's fine. But see, the conversation we're
24 having right now, I want to believe you can have with
25 Ms. March. Yes?

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1 MS. PRICE: I felt like yes.

2 THE COURT: So I still do. So what about this: If I
3 gave you until the end of the year to work out the document
4 production issues and then gave you the month of January to do
5 depositions, will that work?

6 MS. PRICE: Umm, depositions is another problem for
7 me, your Honor.

8 THE COURT: OK.

9 MS. PRICE: I have no idea how to do a deposition.

10 THE COURT: OK.

11 MS. PRICE: You know, I feel like I've done an
12 adequate job rising to every challenge that this crusade has
13 posed for me. I have no idea how to do a deposition.

14 THE COURT: All right. A couple of points to that.
15 Number one, one way of doing it is with written questions
16 instead of you actually asking someone something in person.

17 Number two is to see if the NYLAG folks will find you
18 someone to help you. And if your concern is with the
19 turnover -- that is your concern? The turnover? You had
20 somebody help you and then you've had somebody else help you,
21 and each semester somebody else is helping you.

22 My suspicion is someone from NYLAG would love to help
23 with you depositions because that type of experience is
24 something that people really enjoy having, so I think they will
25 be present to help you.

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1 But why don't you let me know if they're not. And,
2 alternatively, do I have your authorization to speak with
3 Ms. Tarnofsky, the head of NYLAG?

4 MS. PRICE: Always, your Honor. Thank you. They were
5 amazingly helpful. They literally polled every civil rights
6 law firm and attorney that works with the Southern District
7 asking if they would do the depositions for me and take on that
8 part of it.

9 THE COURT: And?

10 MS. PRICE: They found that everyone they asked was
11 excited at first, and then when they ran conflicts, they
12 disappeared. So, again, the specter, I can only assume the
13 powerful people who I'm trying to unearth -- like the Brennan
14 Center has totally backed away from writing me an amici brief
15 because they got wind -- someone got wind in the Manhattan
16 District Attorney's Office that I had mentioned to you the last
17 time I stood before you in early 2017, that the Brennan Center
18 wanted to write me an amici brief, and they have literally been
19 told "you're not doing that" because we get funding from the
20 Manhattan District Attorney's Office.

21 So there's been -- I've been fighting against this
22 behemoth -- nobody will do the depositions for me, and they
23 found one woman who has an independent law firm who agreed to
24 depose five people.

25 THE COURT: OK.

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1 MS. PRICE: I say, OK, that's a great start.

2 THE COURT: It is great.

3 MS. PRICE: I was so happy for that, but then she
4 started working on someone else's case and was no longer
5 available to me.

6 THE COURT: I'll speak to Ms. Tarnofsky. You need
7 assistance with depositions.

8 MS. PRICE: Your Honor, if you don't mind, I would
9 really like to turn in another request for pro bono counsel. I
10 turned one in to Honorable Judge Preska at beginning of these
11 proceedings because, as you may recall, I had a pending
12 litigation against Reuters News Service for violating my
13 copyright of the photos I took running from the Towers on 9/11?

14 THE COURT: Yes.

15 MS. PRICE: That proceeding has commenced. All I am
16 allowed to say is that both parties were satisfied.

17 THE COURT: You settled it?

18 MS. PRICE: I'm not allowed to say that.

19 THE COURT: But when you said "commenced," that means
20 begin. You really meant end.

21 MS. PRICE: I'm sorry. You know, when I get nervous,
22 I murder my own language, but I will say that that was in front
23 of Judge Parker. She was our mitigation magistrate, and I do
24 very much love her.

25 THE COURT: I will tell her that.

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1 MS. PRICE: I think she knows that. Please tell her
2 that again.

3 But that particular experience just reminded me again
4 of how badly I need pro bono counsel. I'm not allowed to talk
5 about what happened in mitigation.

6 THE COURT: I don't want to know.

7 MS. PRICE: But they really -- and I just feel so --
8 at every step, I have let elements and actions of my case slip
9 away through unforced errors, and I think you've seen the
10 record. The City Law Department has been really great at
11 taking advantage of those unforced errors. And I'm so
12 frightened that I am going to keep making mistakes, so I would
13 love to turn in another request for pro bono counsel. There
14 are all kinds of reasons --

15 THE COURT: Let's slow down for a second.

16 Ms. March, do you have a problem if I look for
17 pro bono counsel?

18 MS. MARCH: No, your Honor.

19 THE COURT: Understanding that that may delay for a
20 period of time discovery in this case?

21 MS. MARCH: Yes, your Honor.

22 THE COURT: Let's do that.

23 MS. PRICE: Thank you, your Honor. I have been told
24 by a couple of attorneys that at this point the real barrier is
25 expenses because depositions run on average of a thousand

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1 dollars each, I was told. I wish that my case that was
2 resolved with Reuters had reaped me, but I -- so I have my
3 request. I'd like to turn it in.

4 THE COURT: OK.

5 MS. PRICE: There's all kinds of reasons. I don't
6 know if you want to hear my voice go over them.

7 THE COURT: I think I know what they are. Let's do
8 this: I am not going to ask you today to turn over your
9 discovery requests to Ms. March. And I am not going to ask
10 Ms. March to turn over her discovery requests to you, unless
11 she wishes to, because she said she did so already in October.

12 Let me figure out -- and it may take me some time --
13 whether there is an attorney. I won't make any promises
14 because I don't want to walk away from them later. I will
15 speak with Ms. Tarnofsky and with Ms. Malloy of the pro se
16 office here and see if there are is someone who can take the
17 case to prevent the every semester transitions that you're now
18 having.

19 If I can find somebody, then we will reset the
20 schedule to allow this new counsel to come up to speed. If I
21 can't, we will come back here, and we will talk about what we
22 do instead. All right?

23 MS. PRICE: Thank you, your Honor. One last thing.

24 THE COURT: Of course.

25 MS. PRICE: My persecution by the NYPD has continued,

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1 and it has made my state of being literally on the edge of
2 reason.

3 THE COURT: What is going on?

4 MS. PRICE: Last month -- there is a -- I live uptown
5 behind a yeshiva synagogue in an old SRO, thank God, because I
6 was homeless for months in 2013. And I love it up in Fort
7 George. It's peaceful. There is an HIV shelter two doors down
8 for women, which I love, because those women are my people, and
9 I take care of them. There is a super in that building who --
10 I'm a person with a mental health diagnosis, but this person is
11 nuts. And right around the time that the discovery requests
12 were due -- this isn't an excuse, but this is just sort of an
13 example of the turmoil in my life -- this guy, who is the super
14 of a homeless women's shelter with a very vulnerable population
15 of women with HIV. They are all old prostitutes. They just
16 have sadder stories than I do. And this person is also a drug
17 dealer, and he moves the weight and the neighborhood hustlers
18 come and pick up their packages every morning from his basement
19 apartment, and they go hustle.

20 He's a very dangerous person. I had a rapport with
21 him because he's an Iraqi war vet, and he was in prison for
22 awhile. But then he got into a fight with the guy who lives in
23 the studio next to me. Tried to stab him. There was blood all
24 over my hallway. I was literally watching this through my
25 doorway as my neighbor was screaming for someone to come save

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1 his life. And I went to the police to try and report this
2 incident because my life was threatened by this person, on and
3 on. The police still refuse to take my complaints.

4 The man even stole -- I had stroller for Frank,
5 because he was just a little tiny puppy. He's five months now,
6 but he was just short of four months last month when all this
7 was happening, and he was still in a stroller. And the police
8 literally refused to take my complaint.

9 Likewise, my landlord, who is a very smart orthodox
10 gentleman and has trying to get me out of this SRO forever
11 because I've organized all the other poor people to stand up
12 and take a reasonable buyout. We live right behind a yeshiva
13 synagogue, so they are trying to build a community center and
14 force us out. We didn't have heat or hot water for two and a
15 half years. But that's been another one of my crusades, to
16 help -- anyway, long story short, I had to call Jeffrey
17 Schlanger, who is now the general counsel for NYPD. His name
18 might be familiar to you because he used to be the chief of
19 staff for the Manhattan District Attorney. He is the
20 wunderkind behind the implementation of Palantir.

21 So I called Jeff Schlanger crying, you know, please,
22 the 34th precinct won't even take my complaints. And
23 literally, Mr. Schlanger, because he gave me his business card
24 and told me -- because he recognizes the situation that he
25 himself I think has created for me that if I ever need help,

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1 that he will help me.

2 So just last week I saw a team of undercovers check
3 into the shelter, which I'm very happy I have that connection
4 for, but I just want to emphasize to the Court that these
5 things keep happening. It happened in August of 27, a very
6 similar thing where the landlord illegally locked us out. We
7 called for an illegal lockout, and the police came. They
8 swiped my ID because I'm the person who made the 911 call about
9 the illegal lockout. Instead of arresting the super or issuing
10 a summons as per NYPD Handbook Procedure 112.10, they arrested
11 me and made me go to the psyche ward because I have this
12 history in my record.

13 So these things I just want to mention to you. You
14 were very kind in early 2017 when I explained that these things
15 were recurring, and you asked me to explain them to you, and
16 then you allowed me to write those into my complaint, which I'm
17 very grateful for. But I can't keep rewriting the complaint
18 every time these things happen.

19 THE COURT: Of course.

20 MS. PRICE: But I want to let you know that this is
21 really contributing to my state of being.

22 I have a new puppy, and instead of being able to take
23 him out and train him, because I'm potty training, the dog goes
24 to the bathroom in the shower because I'm afraid to go outside
25 when I know that person is outside. And this is the life that

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1 I lead. And I try to be happy and leave the neighborhood and
2 go do other things, but these -- the situation that has been
3 created, I wonder if you would entertain a motion for summary
4 judgment to get the NYPD to take me off this list at this early
5 stage. I don't know else what else to do.

6 THE COURT: You wouldn't want the summary judgment
7 until we have discovery though. It's too early now.

8 MS. PRICE: I beg your pardon.

9 THE COURT: No, that's OK.

10 MS. PRICE: I just wanted to let you know these things
11 are ongoing. Like I said, the landlord even forged a bunch of
12 documents to DHCR, Departments of Housing and Community
13 Renewal, trying to navigate the housing court, which hates my
14 landlord, because he knows the police won't do anything to help
15 me. So this man committed six acts of forgery literally. And
16 the NYPD hasn't done anything against him.

17 This all goes back to what happened when Cy Vance and
18 his posse marked me as this P&G in their database, and so the
19 long-range effects of this I'm still paying for.

20 If I hadn't caught my landlord in these forgeries, he
21 would have been successful in getting DHCR to lower my rent
22 just a modicum. I won't waste your time explaining all of
23 this, but I am in a very precarious situation because of this
24 continuing discriminatory McCarthy-esque practice that has been
25 employed by the NYPD.

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1 THE COURT: I think I'm going to communicate that
2 information as well to any attorney that comes on to the scene.
3 But I did ask you to let me know, and I appreciate you letting
4 me know.

5 Ms. March, you're going to get a transcript of this
6 and arrange to send it to Ms. Price.

7 Await word from me. I don't know how long it will
8 take, but await word from me, and I will bring the parties in
9 or call you on the phone when need be.

10 Ms. Price, are you phone-able?

11 MS. PRICE: There are four or five days every month
12 when my phone is off between -- my bill is due on the 3rd, and
13 I get four days extension, but then I don't get my public
14 assistance until the 10th or 11th. So between the 6th and the
15 11th every month my phone is off.

16 THE COURT: Then I will make sure that we have the --
17 if we set something up, it will not be between the 6th and
18 11th.

19 MS. PRICE: Your Honor, I want to apologize for being
20 late this morning. I lost my subway card, and literally --

21 THE COURT: OK.

22 MS. PRICE: I usually hop the subway. I admit, I do
23 break the law. But there was a cop there this morning. So I
24 went home and borrowed \$3 from my neighbor. That literally is
25 my excuse, that this is literally my life at this point.

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1 There was one other thing I wanted to indulge myself.
2 I just wanted to ask if I turn in my motion for pro bono
3 counsel today is that OK? You said to wait. Do I wait to turn
4 that in?

5 THE COURT: I'm considering you to have made it
6 orally. I won't need a written motion.

7 MS. PRICE: I won't waste your time with it then, your
8 Honor. Thank you for letting me know.

9 THE COURT: It is -- I am granting it but that doesn't
10 guarantee you an attorney. So we go through -- that's why I
11 want to make the phone calls to Ms. Tarnofsky and Ms. Malloy,
12 but I accept and can see what has happened in the last two
13 years, and I think it is appropriate that pro bono counsel be
14 appointed.

15 MS. PRICE: Thank you, your Honor. That might just be
16 the best news since your ruling about the Twitter account,
17 which, by the way, thank you so much for that. It took me two
18 months to read that decision. This is how my life is. I'm so
19 scared that I can't -- and I wish I had read it earlier because
20 I had been arguing with the new person at NYLAG about those
21 specific Twitter claims. And I really had it Tweeted directly
22 to the police commissioner and to the mayor and complained
23 about being blocked, but they said my complaint was too long
24 and I shouldn't include that evidence.

25 So there are all kinds of things here where I feel

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1 like if I had a lawyer, maybe that -- even though that was a
2 big win for me, and thank you, I feel like that action maybe
3 would have survived had I been able to include that extra
4 evidence. So I really sabotaged myself by not being able to
5 even read your orders because I have no time to write a motion
6 for reconsideration because the two weeks had expired after
7 your order. These are the kind of things that I just scream at
8 night about.

9 THE COURT: Right. And I can't tell you what to do
10 because that is not my job, but I have no reason to believe
11 that Ms. March has any personal animus towards you, nor do I.
12 So, if you get things from us, I'm not trying to set you up to
13 fail. I don't believe she is either. So read what we send
14 you.

15 MS. PRICE: I understand, your Honor. It just takes
16 me -- because previous orders have sent me into such a tizzy --

17 THE COURT: Yes.

18 MS. PRICE: -- that I have to wait until -- it's a
19 weird chemistry. I feel like I can, but it's not good all the
20 time. My good intellectual energy doesn't exist in this space
21 all the time. And other spaces, closing the Rose M. Singer
22 Center, ending the rape crisis on Rikers, no problem. I can
23 turn it on, but this particular set of facts I really
24 appreciate your help, and I feel like I need to shut up.

25 THE COURT: I'm not going to tell you that, but I

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1 think I have heard what I needed to hear today, and I hope
2 you've said what you needed to say.

3 Ms. March, I don't think there is anything else you
4 would like to add. Am I correct?

5 MS. MARCH: I just would like to add that there has
6 been no intentional attempt to sabotage or any bad faith.

7 THE COURT: I understand. And that has not been my
8 experience with the law department.

9 MS. MARCH: Yes.

10 THE COURT: They are afraid of me, and that's fine.
11 So that's where I think this is all coming from. They don't
12 want to violate my deadlines, which is totally right, but I
13 have the ability to reset them in special cases, and I will
14 here.

15 I thank you both for coming in today. I am going to
16 have the next conference set up. I thank you very much.

17 (Adjourned)

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